

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1725 of 2019

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Rameshwar Choudhary aged about 65 years Male, son of Late Ramsnehi Choudhry, Resident of Village- Mehsauri, Panchayat- Gaurashakti, Police Station- Khagaria Muffasil, District- Khagaria.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Government of Bihar, Patna.
2. The Commissioner, Munger Division, Munger.
3. The District Magistrate, Khagaria.
4. The Sub-Divisional Officer, District- Khagaria.
5. The Block Supply Officer-cum-Marketing Officer, District- Khagaria.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-02-2019 Heard learned counsel for the petitioner and learned counsel representing the respondents.

The Sub-Divisional Officer, Khagaria is required to show some patience while discharging his statutory duty otherwise any loss caused to a citizen because of non-adherence to the statutory provision may lead to a conclusion that he is misusing his power.

In this case, the facts reveal that vide Annexure-2, a 24 hours show cause notice was issued to the petitioner to submit his show cause. Thereafter, the license of the petitioner has been cancelled immediately within four days from the date of issuance of the show cause. By no stretch of imagination it can be said to be an adequate opportunity of hearing to the



petitioner.

The impugned order as contained in Memo No. 02 dated 02.01.2019 passed by the Sub-Divisional Officer, Khagaria is therefore set aside.

By virtue of the setting aside of the impugned order, now the Sub-Divisional Officer, Khagaria will restore the license of the petitioner till disposal of the proceeding at his end. He may proceed afresh after giving adequate opportunity of hearing to the petitioner. A copy of the enquiry report, if any, should also be provided to the petitioner in order to allow him to controvert the finding therein. The whole exercise shall be completed within a period of 60 days from the date of receipt/production of a copy of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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